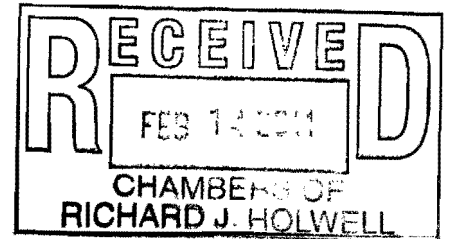
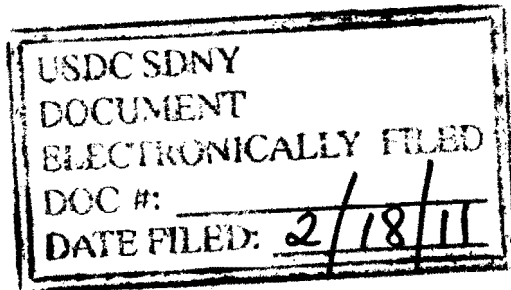


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February 14, 2011

VIA FACSIMILE (212-805-7948)

The Honorable Richard J. Holwell
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

**Re: Capsolas et al. v. Pasta Resources Inc. et al.
No. 10 Civ. 5595 (RJH)**

Dear Judge Holwell:

Along with Outten & Golden LLP we represent the Plaintiffs in the above-referenced matter. Pursuant to Local Rule 37.2, we write to request that Defendants' discovery requests be stricken, or that the Court schedule an informal conference to address Defendants' wasteful and harassing discovery tactics. The parties have conferred and have been unable to resolve this dispute.

Defendants served each of the 26 named and opt-in Plaintiffs in this action five sets of documents requests, one set of interrogatories and document requests from each corporate Defendant. In all, Defendants' served Plaintiffs in total 130 sets of document requests and 130 sets of interrogatories, or 4,550 separate document requests and 4,290 separate interrogatories.

Defendants could easily have minimized unnecessary burden by consolidating their requests into an omnibus set submitted by all Defendants collectively to each plaintiff. To be sure: (a) each of the document requests from each of the restaurants to each Plaintiff and opt-in Plaintiff is virtually identical, and (b) each of the Defendants is represented by the same attorneys and are defending the action collectively.

Plaintiffs respectfully request that this Court require Defendants to withdraw their existing discovery requests and resubmit consolidated requests to which all named and opt-in Plaintiffs will respond.

We thank the Court for its attention to this matter.

Respectfully submitted,



D. Maimon Kirschenbaum

Cc: Justin Swartz, Esq.
A. Michael Weber, Esq.

*The defendants are directed
to consolidate their discovery
requests.*

SO ORDERED



RICHARD J. HOLWELL
UNITED STATES DISTRICT JUDGE

2/15/11